



NATIONAL ASSEMBLY

FIRST SESSION

THIRTY-SEVENTH LEGISLATURE

Bill 71
(2005, chapter 3)

**An Act to amend the Forest Act and
other legislative provisions applicable
to forest management activities**

**Introduced 9 November 2004
Passage in principle 22 March 2005
Passage 22 March 2005
Assented to 22 March 2005**

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EXPLANATORY NOTES

The main purpose of this bill is to postpone for two years the date of filing and of coming into force of the forest management plans based on the new delimitation of management units. It thus maintains the provisional measures applicable to timber supply and forest management agreements and forest management agreements before the implementation of the new mode of forest management based on new units until 31 March 2008. To that end, it amends the Forest Act and other Acts as regards forest management, in particular the Act to ensure the implementation of the Agreement Concerning a New Relationship Between le Gouvernement du Québec and the Crees of Québec.

In addition, the bill amends the special rules on forest management enacted in 2003 in order to take into account the two-year postponement of the coming into force of the new delimitation of management units. More particularly, it introduces new rules relating to the volumes of timber that an agreement holder will be authorized to harvest in a common area during the years 2005-2006, 2006-2007 and 2007-2008. Among others, it provides for a reduction in the annual allowable cut in the forests in the domain of the State during those years and establishes special rules applicable in certain common areas to the distribution of cuts and advance harvesting. As well, the bill provides that any volumes of unharvested timber that have accumulated during the years prior to 1 April 2005 may not be harvested by agreement holders during the subsequent years.

The bill clarifies the manner in which a volume reduction is to be applied to the agreement holders referred to in an order made by the Minister of Natural Resources and Wildlife requiring them to carry out silvicultural treatments, if they refuse or neglect to comply with it.

LEGISLATION AMENDED BY THIS BILL:

- Forest Act (R.S.Q., chapter F-4.1);
- Act to ensure the implementation of the Agreement Concerning a New Relationship Between le Gouvernement du Québec and the Crees of Québec (R.S.Q., chapter M-35.1.2);
- Act to amend the Forest Act and other legislative provisions (2001, chapter 6);
- Act to amend the Forest Act and other legislative provisions and to enact certain special provisions applicable to forest management activities prior to 1 April 2006 (2003, chapter 16).

Bill 71

AN ACT TO AMEND THE FOREST ACT AND OTHER LEGISLATIVE PROVISIONS APPLICABLE TO FOREST MANAGEMENT ACTIVITIES

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

1. Section 35.2 of the Forest Act (R.S.Q., chapter F-4.1) is amended by replacing “1 April 2006” in the first paragraph by “1 April 2008”.

2. Section 86.2 of the Act is amended by adding the following paragraph after the second paragraph:

“When an order requiring silvicultural treatments to be carried out refers to more than one agreement holder and the holders refuse or neglect to comply with it, the reduction must be applied to all the agreement holders referred to in the order concerning the species or group of species in question, in proportion to the volume allocated to each.”

3. Section 22 of the Act to ensure the implementation of the Agreement Concerning a New Relationship Between le Gouvernement du Québec and the Crees of Québec (R.S.Q., chapter M-35.1.2) is amended

(1) by replacing “31 March 2006” in the first paragraph by “31 March 2008”;

(2) by replacing “1 April 2006” wherever it appears in the second paragraph by “1 April 2008”.

4. Sections 159, 160, 162, 163, 175, 182 and 183 of the Act to amend the Forest Act and other legislative provisions (2001, chapter 6), amended by section 52 of chapter 16 of the statutes of 2003, are again amended by replacing “1 April 2006” wherever it appears in those sections by “1 April 2008”.

5. Section 189 of the Act, amended by section 61 of chapter 16 of the statutes of 2003, is again amended

(1) by replacing “1 April 2006” in the first paragraph by “1 April 2008”;

(2) by replacing “31 March 2006” in the portion of text preceding subparagraph 1 of the second paragraph by “31 March 2008”;

(3) by replacing “31 March 2005” in subparagraph 2 of the second paragraph by “31 March 2007”;

(4) by replacing “1 April 2006” in subparagraph 3 of the second paragraph by “1 April 2008”;

(5) by replacing “31 August 2007” in subparagraph 4 of the second paragraph by “31 August 2009”.

6. The title of the Act to amend the Forest Act and other legislative provisions and to enact certain special provisions applicable to forest management activities prior to 1 April 2006 (2003, chapter 16) is amended by replacing “1 April 2006” by “1 April 2008”.

7. Section 13 of the Act is amended by replacing “1 April 2005” by “1 April 2007”.

8. Section 16 of the Act is amended by replacing “1 January of the year 2006” by “1 January of the year 2008”.

9. Section 59 of the Act is amended by replacing “1 April 2006” by “1 April 2008”.

10. The heading of the portion of the Act comprising sections 63 to 67 is amended by replacing “1 April 2006” by “1 April 2008”.

11. Section 64 of the Act is replaced by the following section:

“64. Holders of a timber supply and forest management agreement or a forest management agreement who carry on their activities in the same common area must come to an agreement on a decision-making and dispute resolution mechanism for use when drawing up and implementing five-year forest management plans and annual forest management plans for forest management activities prior to 1 April 2008.

If a dispute arises on any of the matters referred to in section 55 of the Forest Act (R.S.Q., chapter F-4.1), an agreement holder may request the Minister of Natural Resources and Wildlife to impose on all the agreement holders concerned a decision-making and dispute resolution mechanism for use when drawing up and implementing a plan referred to in the first paragraph, to the extent that no such mechanism has been agreed on pursuant to the first paragraph for the plan that is the subject of the dispute.

Once the Minister has ascertained the absence of any decision-making and dispute resolution mechanism defined by the agreement holders for use when drawing up and implementing the plan that is the subject of the dispute, the Minister may impose such a mechanism on all the agreement holders concerned. The decision-making and dispute resolution mechanism comes into force on the date indicated by the Minister.”

12. Sections 66 and 67 of the Act are replaced by the following sections:

“66. From 1 April 2005 until 31 March 2008, the annual allowable cut for species in the fir, spruce, grey pine and larch (FSPL) group in the common areas not listed in Schedule 1 is reduced by 20%; for the common areas listed in that schedule, the annual allowable cut for species in the FSPL group is reduced during that period by the percentage indicated.

From 1 April 2005 until 31 March 2008, the annual allowable cut for species in each common area other than those referred to in the first paragraph is reduced by 5%.

“67. For the years 2005-2006, 2006-2007 and 2007-2008, the Minister of Natural Resources and Wildlife must reduce the volumes of timber in the management permits for those years that the holders of timber supply and forest management agreements and forest management agreements would otherwise have been authorized to harvest under their agreement, if, with the application of the reduction under the first or second paragraph of section 66, the new annual allowable cut for the common area concerned is less than the sum of the volumes of timber indicated in the holders’ agreement that are allocated to them in that common area for the species in the FSPL group or the other species concerned.

In that case, the Minister shall subtract the new forest production from the sum of the volumes of timber allocated, and distribute the difference for the species in the FSPL group or the other species concerned among the agreement holders in the common area in proportion to the volume allocated to each. However, the Minister may vary the amount of the reduction in volume from one agreement holder to another, depending on the impact the reduction could have on regional or local economic activity.

“67.1. With regard to the common areas located in part in the territory referred to in section 95.7 of the Forest Act, the Minister of Natural Resources and Wildlife must presume, solely for the purposes of the spatial distribution of the timber cuts in those common areas, that the annual allowable cut for species in the FSPL group is reduced by 25%, so that the maximum amount of those species that can be authorized for harvesting in the part of the common area located in the territory referred to in section 95.7 of that Act may in no case exceed the presumed forest production.

In addition, to the extent possible given the forest composition of the common area, the Minister must ensure that the annual forest management plans for 2005-2006, 2006-2007 and 2007-2008 operate to distribute the total cut over the entire surface area of the common area, so that the percentage of surface area for projected cuts in the part of the common area located in the territory referred to in section 95.7 of the Forest Act does not significantly exceed the percentage represented by the ratio between the surface area of that part of the territory and the total surface area of the common area.

“67.2. For the purposes of section 67.1, the Minister may require agreement holders who carry on their activities in a common area referred to in that section to submit modifications to the 2005-2006 annual forest management plan to the Minister within the time specified by the latter.

Similarly and for the same purposes, the Minister may require those agreement holders to submit modifications to the five-year forest management plan to the Minister within the time specified by the latter. In that case, sections 164 to 166 of chapter 6 of the statutes of 2001 do not apply to the modifications required of the agreement holders insofar as the sole purpose of the modifications is to allow the rules set out in section 67.1 to be applied.

“67.3. Despite section 92.0.1 of the Forest Act, after 31 March 2005, agreement holders may not harvest any volumes of unharvested timber that accumulated during the years prior to 1 April 2005.

For the purpose of applying section 92.0.1 of that Act to the years 2005-2006, 2006-2007 and 2007-2008, a reference in that section to the volume of timber allocated under a holder’s agreement is a reference to the volume of timber that an agreement holder is authorized to harvest according to section 67 of this Act.

“67.4. Despite the Forest Act and sections 66 and 67 of this Act, an agreement holder who carries on forest management activities in a common area that is not located entirely or partially in the territory referred to in section 95.7 of the Forest Act may, with the authorization of the Minister of Natural Resources and Wildlife, harvest in advance, during the years 2005-2006 and 2006-2007, an additional volume of timber not exceeding, during those two years, 10% of the annual volume of timber the agreement holder is authorized to harvest under section 67 of this Act.

In 2007-2008, the Minister must, if applicable, adjust the forest management permit for that year to ensure that, for a period of three years, the average annual volume harvested by the agreement holder does not exceed the allocations determined under sections 66 and 67.”

13. Section 70 of the Act is amended by replacing “1 April 2006” in subparagraph 2 of the first paragraph by “1 April 2008”.

14. Section 72 of the Act is amended by replacing “1 April 2006” by “1 April 2008”.

15. Section 75 of the Act is amended by replacing “31 March 2006” in the second sentence by “31 March 2008”.

16. Section 76 of the Act is amended by replacing “1 April 2006” by “1 April 2008”.

17. Section 77 of the Act is amended

(1) by replacing “31 March 2005” in paragraph 2 by “31 March 2007”;

(2) by replacing “1 April 2006” in paragraph 3 by “1 April 2008”.

18. The Act is amended by adding the following schedule at the end:

“SCHEDULE 1

“(Section 66)

“Reduction of the annual allowable cut for species in the FSPL group in certain common areas

Common Area	Percent Reduction
025-03	20.2%
026-04	23.6%
026-05	24.4%
026-06	25.0%
026-20	24.4%
042-01	21.3%
082-85C	23.8%
083-87N	23.5%
084-03	22.4%
084-04	22.5%
084-20	20.7%
085-20	20.4%
086-03N	25.0%
086-10	25.0%
086-20	24.6%
086-21	24.2%
086-22	25.0%
086-24	21.6%
087-04	23.1%
087-20	23.3%”.

19. Sections 1 and 7 to 9 of this Act apply regarding forest management activities subsequent to 31 March 2008.

20. The decision-making and dispute resolution mechanism for use when drawing up and implementing the annual forest management plans for 2004-2005 and 2005-2006, imposed by the Minister of Natural Resources and Wildlife under the second paragraph of section 64 of chapter 16 of the statutes of 2003 before 22 March 2005, remains in force until 31 March 2006.

21. Order in Council 825-2001 (2001, G.O. 2, 3515), amended by Order in Council 273-2004 (2004, G.O. 2, 1186), is again amended

(1) by replacing “31 March 2005” in the second to last paragraph of the operative part by “31 March 2007”;

(2) by replacing “1 April 2006” in the last paragraph of the operative part by “1 April 2008”.

22. This Act comes into force on 22 March 2005, except sections 7 to 9, which come into force on 31 March 2007.

